

OFFICIAL COPY

Fresno, California

November 19, 2002

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember (present intermittently via teleconference)
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Paul Armstrong, Calvary Presbyterian Church, gave the invocation, and Ashley, a student of Vinland Elementary School, led the Pledge of Allegiance to the Flag.

PROCLAMATION OF CHILDREN'S MUSICAL THEATER WORKS DAY

CERTIFICATES OF RECOGNITION TO STUDENTS OF DISTRICT 4 - ACTING PRESIDENT CASTILLO

CERTIFICATES OF COMMENDATION TO ELISABET ESPAILLAT GARCIA - ACTING PRESIDENT CASTILLO

PROCLAMATION OF COOPER MIDDLE SCHOOL DAY

PROCLAMATION OF MARTHA HOUGH DAY - COUNCILMEMBER CALHOUN

CERTIFICATES OF RECOGNITION TO STUDENTS FOR THE DEMONSTRATION CIVIC PRIDE AND RESPONSIBILITY - COUNCILMEMBER QUINTERO

PROCLAMATION OF EDISON COMPUTECH DAY - MAYOR AUTRY AND COUNCILMEMBER RONQUILLO

The above proclamations and certificates were and presented.

PROCLAMATION OF BRENDA BALDWIN DAY - COUNCILMEMBER BOYAJIAN

To be rescheduled.

LETTER OF WELCOME TO FRANK LLOYD WRIGHT SCHOOL OF ARCHITECTURE - COUNCILMEMBER DUNCAN

Removed from the agenda.

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Councilmember Duncan noted Friday's high school game between Clovis West and Hoover and bet Acting President Castillo a dozen Krispy Kreme doughnuts, whereupon Acting President Castillo wagered two dozen.

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APPROVE MINUTES OF OCTOBER 29, 2002

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the minutes of October 29, 2002, approved as submitted.

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APPROVE AGENDA:

(5-C) DIRECT STAFF TO PURSUE DESIGN AND FINANCING ALTERNATIVES FOR STREET RIGHT-OF-WAY AND STREET PARKING IMPROVEMENTS ON MARIPOSA STREET BETWEEN CITY HALL AND "U" STREET - COUNCILMEMBERS BOYAJIAN AND RONQUILLO

Councilmember Boyajian advised Councilmember Ronquillo requested the matter be heard at 9:15 a.m. for his participation via teleconference **(2 - 0)** and the request was approved by Council consensus.

COMMENDATION TO COMMUNITY SANITATION STAFF FOR THEIR WORK IN DISTRICT 5 TROUBLE SPOTS - COUNCILMEMBER QUINTERO

Commendation made.

PASSING OF EX-CITY EMPLOYEE RUTH YANES - COUNCILMEMBER QUINTERO

Councilmember Quintero advised of the passing of Ms. Yanes, who worked for the city for 30 years, and called for, and a moment of silence was observed, in her memory.

(9:00 A.M.) PRESENTATION BY DAVE SWINDELL, KINGS SPEEDWAY, REGARDING A FUTURE MOTOR SPORTS PARK IN SOUTHEAST FRESNO - COUNCILMEMBER QUINTERO

1. RECOGNITION OF LARRY FERRUA

Request to appear withdrawn.

(1-N) CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 319

City Clerk Klisch advised the correct title was: “Award contract to construct...”. So noted and corrected.

(3-B) APPROVE AMENDMENT TO DEFERRED COMPENSATION PLAN DOCUMENT TO FILL VACANT POSITION WITH A MEMBER ELECTED FROM PLAN PARTICIPANTS

President Perea advised an employee was requesting the matter be heard at 5:00 p.m. and it was determined to hear the matter towards the end of the meeting.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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ADOPT CONSENT CALENDAR:

(1-B) APPROVE ACQUISITION OF A STREET EASEMENT FROM PROPERTY LOCATED AT 7030 N. FRUIT AVENUE FOR THE PRICE OF \$24,900 FOR IMPROVEMENTS TO THE FRUIT AND HERNDON INTERSECTION, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW

(1-D) RESCIND THE REQUIREMENT TO MAINTAIN COPIES OF NOTICE OF SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 2

(1-E) AWARD A CONTRACT TO AMERICAN PAVING CO. IN THE AMOUNT OF \$644,510.30 FOR CONSTRUCTION OF BLACKSTONE AND SHAW INTERSECTION MODIFICATIONS

(1-G) APPROVE CONTRACT CHANGE ORDER NO. 5 FOR THE INSTALLATION OF SECURITY ACCESS CONTROL SYSTEM UPGRADE PROJECT AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ALL REQUIRED DOCUMENTS

(1-H) RESOLUTION NO. 2002-359 - AUTHORIZING ACCEPTANCE OF THE CALIFORNIA LAW ENFORCEMENT EQUIPMENT PURCHASE (CLEEP III) AWARD OF GRANT FUNDS FROM THE STATE OF CALIFORNIA, AND AUTHORIZE THE EXECUTION OF DOCUMENTS

1. * RESOLUTION NO. 2002-360 - 33RD AMENDMENT TO AAR 02-216 APPROPRIATING \$88,200 TO ACQUIRE HIGH TECHNOLOGY EQUIPMENT THROUGH THE CLEEP PROGRAM

(1-L) AWARD CONTRACT TO MOUNTAIN CASCADE, INC., IN THE AMOUNT OF \$4,289,058 FOR CONSTRUCTION OF NORTH AVENUE TRUNK SEWER, PHASES 1 & 2 (RE-BID)

(1-M) AWARD A CONTRACT TO GEORGE DAKOVICH & SON, INC., IN THE AMOUNT OF \$197,7000 FOR INSTALLATION OF ACCESS STRUCTURES IN HERNDON AVENUE BETWEEN FRUIT AND MARKS AVENUES, BASE BID PLUS ADD-ALTERNATE

(1-N) AWARD A CONTRACT TO D.H. WILLIAMS CONSTRUCTION IN THE AMOUNT OF \$149,499 TO CONSTRUCT A WELL SITE IMPROVEMENTS AT PUMP STATION 319

(1-O) AWARD A CONTRACT TO GEORGE DAKOVICH & SON, INC., FOR THE BASE BID AND ADD-ALTERNATE 1 (PVP PIPE) AS THE LOWEST COMBINATION, IN THE AMOUNT OF \$91,747 FOR INSTALLATION OF 8" WATER MAINS IN TWAIN, KEAT, SCOTT AND SAN JOSE AVENUES EAST OF ARTHUR AVENUE

(1-P) AWARD CONTRACT TO RINKLER MATERIALS-HYDRO CONDUIT IN THE AMOUNT OF \$38,140.82 TO FURNISH PRECAST REINFORCED CONCRETE THREE-SIDED BOX FOR THE HERNDON CANAL BRIDGE AT BLACKSTONE AND SHIELDS AVENUES

(1-Q) AWARD A CONTRACT TO GELCO SERVICES, INC., IN THE AMOUNT OF \$740,186 TO REHABILITATE THE SEWER TRUNK LINE IN S. CHESTNUT AVENUE FROM E. BYRD TO E. DATE AVENUES

(1-R) RESOLUTION NO. 2002-361 - APPROVING FINAL MAP TO TRACT NO. 4997 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE NORTH SIDE OF W. SAN JOSE AVENUE BETWEEN N. MAROA AND N. PALM AVENUES

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

CONSENT CALENDAR - BILL FOR INTRODUCTION:

(2-A) * BILL NO. B-56 - AMENDING SECTION 3-202 OF THE FRESNO MUNICIPAL CODE RELATING TO LANGUAGE CHANGES IN SUBSECTION (f) AND THE ADDITION OF SUBSECTION (g), SALE OR OTHER DISPOSITION OF SURPLUS PROPERTY

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-56 introduced before the City Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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CONTESTED CONSENT CALENDAR ITEMS:

(1-A) APPROVE AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING WITH NON-SUPERVISORY POLICE UNIT 4 (FRESNO POLICE OFFICERS' ASSOCIATION) REGARDING PREMIUM PAY FOR SKYWATCH OFFICERS

1. RESOLUTION NO. 2002-362 - 4TH AMENDMENT TO SALARY RESOLUTION 02-219 TO INCREASE THE SALARY FOR THE CHIEF PILOT POSITION

Councilmember Ronquillo was present via teleconference. Chief Dyer clarified issues and responded to questions of Councilmember Calhoun relative to the city's and other agencies' positions and salaries, comparisons, recommendations, incentives, and if Fresno County was experiencing the same type of difficulties, whereupon Councilmember Calhoun stated he still had questions in his mind and was still not convinced this issue had been completely thought through.

A motion and second to approve staff's recommendation was made and later acted upon.

Barbara Hunt, 246 W. Byrd, spoke in support of staff's recommendation.

City Manager Hobbs and Assistant City Manager Souza responded to additional questions of Councilmember Calhoun relative to the personnel department's involvement in the staff report, salary evaluations and analysis. Councilmember Calhoun stated (1) he was not convinced this was only a matter of money, (2) he did not feel the issues of morale, maintenance and responsibilities that were before Council some time ago had been fully addressed, (3) it appeared staff was trying to solve the problem with money, and (3) he was concerned with why the City was the only agency to pay a premium to flight instructors, with Chief Dyer responding. Discussion continued with Chief Dyer responding to questions, comments and/or recommendations of Acting President Castillo and Councilmembers Boyajian and Duncan relative to whether there were plans to share flight time with Fresno County, if the department was maximizing the use of the helicopters, privatization, if non-sworn pilots had been considered, program incentives, hiring specialists, ability to partner with the CHP and Fresno County, and the need for two officers on board to effectively serve the public.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the Side Letter of Agreement to the Fresno Police Officers' Association Memorandum of Understanding as it applies to premium pay for Skywatch Officers hereby approved; and the above entitled Resolution No. 2002-362 amending the Chief Pilot classification pay by 5% increase hereby adopted, by the following vote:

Ayes	:	Boyajian, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Castillo
Absent	:	None

*Students from Fresno Christian School were recognized and welcomed.

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(5-C) DIRECT STAFF TO PURSUE DESIGN AND FINANCING ALTERNATIVES FOR STREET RIGHT-OF-WAY AND STREET PARKING IMPROVEMENTS ON MARIPOSA STREET BETWEEN CITY HALL AND "U" STREET - COUNCILMEMBERS BOYAJIAN AND RONQUILLO

Councilmember Ronquillo, participating via teleconference, gave a brief overview of the issue as contained in the written report provided.

Speaking in support of the issue were: Gary Giannetta, 1119 “S” Street, and Monsignor Esquivel, St. John’s Cathedral Director.

A motion and second was made to approve the direction to staff. City Attorney Montoy, City Manager Hobbs Assistant City Manager Esquivel and Transportation Manager Madewell responded to questions and/or concerns of Councilmembers Calhoun and Quintero relative to the traditional process for these types of public works projects, if there were any costs associated, concern with delaying other projects or adding to staff’s workload, if the work request was similar to the work recently completed on U and Tulare Streets, and if approval this date would involve moving forward with diagonal parking followed by the design study at a later date. Mr. Esquivel advised Mr. Giannetta indicated he would assist in supporting staff as he had already conducted some of the preliminary design work.

Barbara Hunt, 246 W. Byrd, spoke to City Hall’s address and redevelopment project conflict of interest.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to pursue design and financing alternatives for street right-of-way and street parking improvements on Mariposa Street between City Hall and “U” Street, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:30 A.M.) CONSIDER COMMUNITY ORIENTED POLICING SERVICES (COPS) UNIVERSAL HIRING PROGRAM GRANT TO HIRE ADDITIONAL POLICE OFFICERS

1. RESOLUTION NO. 2002-363 - APPROVING APPLICATION FOR AND ACCEPTANCE OF A U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) UNIVERSAL HIRING PROGRAM GRANT IN THE SUM OF \$6,900,000, AND AUTHORIZING THE EXECUTION OF ANY RELATED DOCUMENTS

2. * RESOLUTION NO. 2002-364 - 42ND AMENDMENT TO AAR 2002-216 APPROPRIATING \$651,200

3. * RESOLUTION NO. 2002-365 - 7TH AMENDMENT TO PAR 2002-217 ADDING 30 POLICE OFFICER POSITIONS

4. DISCUSSION ON FISCAL FORECASTING MODEL IMPACTS DATED NOVEMBER 5, 2002, RELATIVE TO THE RESOLUTIONS - COUNCIL FISCAL FORECASTING COMMITTEE

5. DISCUSSION AND COMMENTS FROM THE MACIAS CONSULTING GROUP RELATIVE TO THE RESOLUTIONS - COUNCIL FISCAL FORECASTING COMMITTEE

Councilmember Calhoun, Fiscal Forecasting Committee member, made opening comments and explained how the committee’s model and the Macias report tied into the issue **(3 - 0)**. Mayor Autry spoke in support of accepting the grant, to the need to respond to crime and the criminal element emphasizing the City could not afford to *not* hire additional officers and elaborated, and urged approval. Chief Dyer gave an overview of the grant and the proposal and financial plan to hire officers in three phases over four years beginning this fiscal year, all as contained in the staff report as submitted, and to the options of reapplying for a waiver of match funds or withdrawing at any time if fiscal conditions worsen. Controller Quinto spoke to the Fiscal Forecasting Committee’s request for creation of a model with

a variety of economic factors that could be used to develop scenarios on fiscal impacts, and stated the hiring of 30 officers appeared to be affordable at this time due to grant flexibility in (1) hiring and phasing-in of the officers and (2) how reimbursements could be requested. A representative of the Macias Consulting Group submitted a revised estimate on the impact of hiring 92 police officers, a copy of which is on file, and reviewed their report as submitted.

Councilmember Calhoun thanked the Mayor and staff for their work and leadership in obtaining the grant, stated strategic planning was occurring and spoke in support of the first phase of hiring 30 officers, and stated the challenge would be the second and third phases due to circumstances with the State of California and crafting future budgets.

A motion and second was made to approve staff's recommendation.

Extensive discussion ensued. Chief Dyer responded to questions/comments of Councilmember Duncan relative to whether Fresno received more funds than any other city, if the additional officers hired would maintain the status quo of officer/population ratio, if the new officers would be committed to patrol, and improved traffic enforcement due to the new revenue sharing arrangement with Fresno County. Councilmember Duncan stated the commitment to public safety had to remain strong and he would work with the Mayor and Council next year to create a positive environment for businesses. Councilmember Boyajian commended all involved and spoke to (1) public safety/traffic enforcement and the new revenue sharing arrangement thanking the Board of Supervisors, and (2) economic development being a top priority. Councilmember Ronquillo commended staff on the issue and Fresno County for the revenue stream, spoke to the need to consolidate helicopter patrol efforts with the county, and expressed his support for the proposal to hire officers in phases. Ms. Quinto and City Manager Hobbs responded to questions of Acting President Castillo relative to the Maximum study and if discussions occurred on how much would go towards hiring the officers, if the revenue numbers were shared with Chief Dyer for the hiring of support staff, projected revenues to be received with additional fees, if asset/forfeiture (A/F) funds were being looked at if forecasting is not met, helicopter funding plan, and amount contributed to the county in fines and forfeitures including if the county was in agreement. Mr. Hobbs and Ms. Quinto responded to questions of President Perea relative to whether additional funds in A/F were earmarked for the new helicopter (**4 - 0**), if the administration was implementing the Mayor's/Council's direction to purchase the new helicopter, President Perea stressing the purchase of the helicopter was presented and approved in the Mayor's budget and questioning what the problem was in purchasing it, President Perea clarifying he did not have the authority nor did he authorize the Macias Group to do additional work, continued questions relative to whether Ms. Quinto considered the State's fiscal condition in hiring the officers, and funding officer positions 100% not being the case and if the positions will be filled once they are funded. Mayor Autry clarified if the worse case scenarios unfold from the State the Department of Justice made it clear (and just short of guaranteeing) that Fresno would be in the running for a match waiver. Chief Dyer, the Macias representative, and Mr. Hobbs responded to additional questions of Councilmember Boyajian relative to support staff needed for the officers including cost, if the Macias Group looked at that issue for their study, and if there was a plan for absorbing the support staff.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-363, 2002-364 and 2002-365 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 31, TRACT NO. 4983

1. RESOLUTION NO. 2002-366 - ANNEXING TERRITORY TO CFD NO. 2, AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2002-367 - CALLING SPECIAL MAILED BALLOT ELECTION

3. RESOLUTION NO. 2002-368 - DECLARING ELECTION RESULTS

4. * BILL NO. B-57 - ORDINANCE NO. 02-56 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2002-2003 AND FUTURE TAX YEARS

President Perea announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-366, 2002-367 and 2002-368 hereby adopted, and the above entitled Bill No. B-57 adopted as Ordinance No. 2002-56, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:05 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 40, TRACT NO. 5082

1. RESOLUTION NO. 2002-369 - ANNEXING TERRITORY TO CFD NO. 2, AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2002-370 - CALLING SPECIAL MAILED BALLOT ELECTION

3. RESOLUTION NO. 2002-371 - DECLARING ELECTION RESULTS

4. * BILL NO. B-58 - ORDINANCE NO. 2002-57 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2002-2003 AND FUTURE TAX YEARS

President Perea announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-369, 2002-370 and 2002-371 hereby adopted, and the above entitled Bill No. B-58 adopted as Ordinance No. 2002-57, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:30 M.) HEARING ON REZONING APPLICATION NO. R-02-16 AND ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF W. SIERRA AND N. CECILIA AVENUES (DISTRICT 2)

1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. (ENVIRONMENTAL ASSESSMENT) NO. T-5070, R-02-16
2. **BILL NO. B-59 - ORDINANCE NO. 2002-58** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing.

David Williams, representing the Developer, and Planing Manager Beach responded briefly to questions and requests of Councilmember Calhoun relative to adjacent site(s), assurance that home buyers will be told of future use/zoning of adjacent property, and request for developer cooperation in removing nonconforming signs.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. T-5070, R-02-16, dated 8/20/02, hereby approved, and the above entitled Bill No. B-59 adopted as ordinance No. 2002-58, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:45 A.M.) HEARING ON REZONING APPLICATION NO. R-02-19 AND ENVIRONMENTAL FINDINGS, FILED BY CENTEX HOMES, PROPERTY LOCATED ON THE SOUTH SIDE OF W. CLINTON BETWEEN N. BLYTHE AND N. BRAWLEY AVENUES (DISTRICT 3)

1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. (ENVIRONMENTAL ASSESSMENT) NO. T-5071, R-02-19
2. **BILL NO. B-60 - ORDINANCE NO. 2002-59** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 TO R-1/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 246 W. Byrd, spoke to the issue.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Mr. Beach responded to questions of Councilmember Boyajian relative to whether the project was in a UGM area, definition of “tentative” subdivision process, what impacts the developer would pay for, if a partnership with Fresno County had been considered to address impacts, where UGM fees went/were applied, if Ashlan Avenue was planned for widening, and need to resolve/deal with impacts early on.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. R-5071, R-02-19, dated 9/25/02, hereby approved, and the above entitled Bill No. B-60 rezoning the subject property to become effective for any portion of the site for which a final map of Vesting Tentative Tract No. 5071 is recorded adopted as Ordinance No. 2002-59, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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RECESS - 11:32 A.M. - 11:44 A.M.

(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF OCTOBER 29, 2002

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, RESOLVED, the Agency minutes of October 29, 2002, approved as submitted.

(A.) HEARING TO CONSIDER AN APPEAL OF ENVIRONMENTAL ASSESSMENT NO. C-02-061, FILED BY GUNNER AND ANDROS, FOR ACQUISITION, CLEARANCE, AND LAND TRANSFERS ASSOCIATED WITH THE ARMENIAN TOWN PROJECT LOCATED SOUTH OF VENTURA STREET BETWEEN “M” AND “O” STREETS ADJACENT TO STATE ROUTE (FREEWAY) 41

1. RESOLUTION NO. 2002-372 - APPROVING ENVIRONMENTAL ASSESSMENT APPLICATION NO. C-02-061

(B.) AUTHORIZE STAFF TO NEGOTIATE AND EXECUTE AN AGREEMENT TO PURCHASE AND SELL APPROXIMATELY 10 ACRES GENERALLY BOUND BY FREEWAY 41 AND “O”, VENTURA AND “M” STREETS (*JOINT ACTION*)

Chair Duncan announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Beach and Planner Gerster gave an overview of the issue at length including the appeal, the environmental assessment (E.A.), existing uses, project phases, potential impacts (traffic and historic resources) **(5 - 0)**, the Armenian Evangelical Church, and the individual mitigation measures before Council, all as contained in the staff report as submitted, and a letter from Caltrans relative to their concerns with the proposed Armenian Town development, a copy of which letter was entered into the record and is on file in the office of the City Clerk. Agency Director Fitzpatrick urged the joint bodies to approve the E.A., briefly reviewed the background of the issue, and stated approval of the E.A. would allow Agency staff to move forward with the purchase of properties.

Mayor Autry spoke to the importance of downtown revitalization, the tough choices required, specifically the Armenian Church (clarifying he would not support the proposed development if another agreeable location for the congregation could not be found), and spoke in support of the Armenian Town development and staff’s recommendation

Speaking in support of the appeal/the need to preserve the Church and/or other related issues were: Barbara Hunt, 246 W. Byrd; Bruce Owdom, 5250 N. Palm; Roger Taylor, 4557 E. Pico (recommendations on relocating structures); and Midge Barrett, 560 E. Portland.

Richard Darmanian, Armenian Cultural Foundation, 1817 S. Temperance; Jim Shekoyan, 5260 N. Palm #421; and Major Ben Amirkanian, 920 E. Yale, Chairman Emeritus of the William Saroyan Society, spoke in support of staff recommendation.

Additional speakers were: Mabelle Selland, 1483 E. Portals, need to preserve the Church; Robert Sleppy, State of California GSA, support staff recommendation; Richard Wilkinson, preserve the Church; and Justice James Ardaiz, 2525 Capitol, who read into the record a statement from the 5th District Court of Appeal in support of the “O”/Ventura site for the new Court facility and urged Council to support staff’s recommendation.

Upon call, no one else wished to be heard and Chair Duncan closed the public hearing.

Councilmember Ronquillo spoke briefly to the issue and in support of relocating the Church if it did not hinder the progress of the Armenian Town development, **(6 - 0)** and made a motion to approve staff’s recommendation, which motion was seconded by Chair Duncan and later acted upon.

Upon request of Councilmember Quintero, the public testimony portion of the hearing was reopened and Yvonne Krikorian, 6052 N. Dewey, who requested the Church not be demolished.

Mr. Fitzpatrick, Mr. Sleppy of the GSA, Planning/Development Director Yovino, and Mr. Beach clarified issues and/or responded to questions of Councilmember Quintero and President Perea relative to what the timeline was for construction on the Church property, compromising and allowing Ms. Barrett’s group time to raise funds to relocate the Church, if allowing a certain amount of time would affect the project, Ms. Barrett stating the compromise was generous but not practical and explained, questions of President Perea relative to cost to move the Church, if the applicant’s inability to comply with the Mid-Rise/High-Rise Ordinance had any impact on action being requested this date, statement made by Ms. Barrett that this may be more of a legal issue, findings that the Church was not a historic structure, criteria for historic designations and evidence linking people and leading member(s) of the Armenian community to the Church, how many members on the historical commission were of Armenian descent, and Father Gostanian’s letter recommending the Church remain standing. President Perea stated he did not support staff’s recommendation, he felt Fresno was too quick to destroy the past, and he felt staff could be creative and build around the Church and accomplish everyone’s goals.

Councilmember Calhoun spoke to need for the Armenian Town project to move forward and to the sentimental value of the church, and offered the following amendment: “It is further resolved that although the Armenian Evangelical Church is not of architectural or historic significance for purposes of state, federal and local regulations, it is desirable to examine the feasibility to relocate and preserve the church facade, and the Executive Director and other officers and staff of the RDA are further authorized and directed, to the extent practicable and financially feasible, to explore steps to preserve the church facade for incorporation into a future phase of the Armenian Town project development and execute documents as necessary”, which amendment was not accepted by the motion-maker. Mr. Fitzpatrick recommended the last phrase of the amendment, “*...and execute documents as necessary*”, were deleted it would just be direction to staff to explore that. The phrase was deleted and the direction was accepted as part of the motion.

City Attorney Montoy, Mr. Beach, Mr. Sleppy, Mr. Fitzpatrick and Mr. Shekoyan clarified issues and/or responded at length to questions of Councilmember Boyajian relative to whether action being requested this date would be unlawful if the Historic Preservation Commission (HPC) had ruled the church was a historic structure, clarifications that (1) Caltrans' letter on a future EIR on traffic was an exhibit to the Mitigated Negative Declaration, and (2) the CUP process would trigger an environmental assessment under CEQA and potentially an EIR, if the HPC's decision was at issue, the Armenian Cultural Foundation including what they were asked to look at and what the criteria was in determining which structures would be saved, if there was a creative way of keeping the memory of the church, why the church was not feasible for the project, status of the project, timeframe to break ground, alternatives for the church, the church's compatibility with the project, what the Armenian Town development means to the city of Fresno, if assurances were given for more than one phase, what the development would consist of, and project timeframe after the courthouse project.

Mr. Fitzpatrick, Judge Ardaiz, Ms. Montoy, Mr. Beach and Mr. Fitzpatrick responded to questions and/or comments of Acting President Castillo, President Perea, Councilmember Ronquillo and Chair Duncan relative to the original site for the courthouse, if sites could be "flip-flopped", if the church was considered when locations of project structures were discussed, lack of project plans and when they would come before Council, if there was any opposition to a plaza to memorialize the church, Judge Ardaiz speaking to the design selected for the courthouse and to the remaining open areas, **(7 - 0)** if a plaza could be looked at and made part of Armenian Town, why the last phrase of Councilmember Calhoun's amendment had to be removed, why the committee that decided on the historical value of the church had no Armenian representation, if the church was structurally sound to be moved, if the HPC applied different standards to different structures, the church having linkage criteria, perception that the HPC's decision was perspective, who the title owner was of the church, if the building was currently being used as a church, amount of time the building was used for activities other than church purposes, Councilmember Quintero stating the "water was muddied" due to different individuals/sources contacted and involved in determining significant importance and important historic events or persons associated with the church, continued questioning relative to whether the present owner and Pastor of the church were opposed to demolition action, need for the property owner's position to weigh in, what the levels of the historic review process were, if SHPO's level was higher than the city's.

Chair Duncan pointed out the area had gone through an extensive historic review and the church did not meet the guidelines for historic designation so taxpayers did not have to pay the cost for relocation of the church.

On motion of Councilmember Ronquillo, seconded by Chair Duncan, duly carried, RESOLVED, the appeal denied and the finding of a Mitigated Negative Declaration for Environmental Assessment (E.A.) No. C-02-061, dated 9/2/02, hereby approved; the fire station receiver site for relocation of eligible historic resources as identified in E.A. C-02-061, dated 9/24/02, hereby approved; and City and Agency staff authorized to negotiate and execute an agreement to purchase and sell approximately 10 acres of property generally bound by Freeway 41 and "O", Ventura and "M" Streets. BE IT FURTHER RESOLVED that, although the Armenian Evangelical Church is not of architectural or historic significance for purposes of state, federal and local regulations, it is desirable to examine the feasibility to relocate and preserve the church facade, and the Agency Executive Director and other officers and staff of the RDA are further authorized and directed, to the extent practicable and financially feasible, to explore steps to preserve the church facade for incorporation into a future phase of the Armenian Town project development, by the following vote:

Ayes	:	Boyajian, Calhoun, Quintero, Ronquillo, Duncan
Noes	:	Castillo, Perea
Absent	:	None

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The joint bodies adjourned their meeting at 1:47 p.m.

LUNCH RECESS - 1:47 P.M. - 3:07 P.M. Councilmember Ronquillo (via teleconference) and Councilmember Quintero arrived later.

(11:30 A.M. #1) HEARING ON CONDITIONAL USE PERMIT NO. C-02-187 AND ENVIRONMENTAL FINDINGS, FILED BY ASP SAN DIEGO, LLC, FOR CONSTRUCTION OF A 6-STORY OFFICE BUILDING AND 7-STORY PARKING GARAGE ON PROPERTY LOCATED ON THE SOUTH SIDE OF THE TUOLUMNE OVERPASS BETWEEN “H” STREET AND BROADWAY (DISTRICT 3)

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. C-02-187

2. RESOLUTION NO. 2002-373 - APPROVING CONDITIONAL USE PERMIT NO. C-02-187

President Perea announced the time had arrived to consider the issue and opened the hearing.

Ray McKnight, Downtown Fresno Coalition, stated he supported the project but had concerns with conditions of approval (mall design and need for consistency), and explained, submitting written material.

Upon call, no one else wished to be heard and President Perea closed the hearing.

A motion and second was made to approve staff’s recommendation. Planning Manager Beach addressed the concerns raised by Mr. McKnight and responded to questions of Councilmember Boyajian and President Perea relative to Council’s decision on the Fulton Mall, support for Mr. McKnight’s recommendations due to the need to be consistent, and if this project would weaken the plan.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the finding of the Mitigated Negative Declaration for Environmental Assessment No. C-02-187, dated 10/14/02, hereby approved, and the above entitled Resolution No. 2002-373 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea
Noes	:	Boyajian
Absent	:	Quintero, Ronquillo

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(11:30 A.M. #2) HEARING ON PLAN AMENDMENT NO. A-02-12, REZONING APPLICATION NO. R-02-22, AND ENVIRONMENTAL FINDINGS, FILED BY FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION, PROPERTY LOCATED ON THE EAST SIDE OF S. CEDAR AVENUE BETWEEN E. WOODWARD AND E. CALIFORNIA AVENUES (2055 S. CEDAR - LOCATED IN DISTRICT 5)

(CONTINUE TO DECEMBER 3, 2002, AT 2:30 P.M.)

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the above entitled Hearing on P.A. A-02-12/R-02-22, filed by Fresno County Economic Opportunities Commission, continued to December 3, 2002, at 2:30 p.m., by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Perea
Noes : None
Absent : Quintero, Ronquillo

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(11:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-02-16, REZONING APPLICATION NO. R-02-25, AND ENVIRONMENTAL FINDINGS, FILED BY MAPLE CREEK PARTNERSHIP, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. MAPLE AND E. TEAGUE AVENUES (DISTRICT 6)
(CONTINUE TO DECEMBER 3, 2002, AT 2:45 P.M.)

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Hearing on P.A. A-02-16/R-02-25, filed by Maple Creek Partnership, continued to December 3, 2002, at 2:45 p.m., by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Perea
Noes : None
Absent : Quintero, Ronquillo

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CONTESTED CONSENT CALENDAR ITEMS - CONTINUED:

(1-C) * RESOLUTION - 30TH AMENDMENT TO AAR 02-216 APPROPRIATING FUNDS FOR THE PURPOSE OF RE-BUDGETING FY 2002 APPROVED CAPITAL IMPROVEMENT PROJECTS (* ACTED UPON LATER)

Capital Projects Manager Jarvis responded to questions of Gloria Torrez relative to why carry-over funds went to employee salaries and where transferred funds for 10 projects went, and Ms. Torrez spoke in opposition to the opening of the north end of the Fulton Mall stating there had not been a vote to carry that item through. Councilmember Duncan briefly left the meeting at 3:20 p.m. Assistant City Manager Souza further clarified carry-over funds and expenditures, and Mr. Jarvis explained the transferred funds and budget resolution.

Barbara Hunt, 246 W. Byrd, expressed concerns with capital improvement project funds and legality of the redevelopment agency.

The vote was held over to later due to the need for five affirmative votes.

(1-F) * RESOLUTION NO. 2002-374 - 6TH AMENDMENT TO SALARY RES. 2002-219 TO INCREASE THE SALARY RANGE FOR THE CITY CLERK

Gloria Torrez and Barbara Hunt spoke in opposition to the issue, to the need to make public documents available to the public, and red-tag items. Councilmembers Duncan and Quintero arrived at 3:26 p.m. Councilmember Calhoun refuted comments made by the speakers, reiterated the merits of the raise were debated in closed session, and clarified issues relative to the fees for public documents.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-374 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

(1-C) * RESOLUTION NO. 2002-375 - 30TH AMENDMENT TO AAR 02-216 APPROPRIATING FUNDS FOR THE PURPOSE OF RE-BUDGETING FY 2002 APPROVED CAPITAL IMPROVEMENT PROJECTS
(CONTINUED FROM EARLIER)

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-375 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

(1-I) RESOLUTION NO. 2002-376 - AUTHORIZING THE (1) CITY OF FRESNO TO IMPLEMENT BEST AVAILABLE CONTROL MEASURES (BACMs), (2) SUBMISSION OF THE BACMs TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT FOR INCLUSION IN THE SERIOUS PM-10 PLAN, AND (3) EXECUTION OF DOCUMENTS

Gloria Torrez spoke to the subject issue, and the following item 1-K, stating 25 natural gas buses would not clean the air and Council was not addressing the issue, expressed concern with FAX fueling the city's garbage trucks, and questioned where money went when items were paid for and then not purchased or followed through.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-376 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

(1-K) RESCIND AWARD OF CONTRACT TO MULTISYSTEMS IN THE AMOUNT OF \$108,000 FOR THE PURCHASE OF TRANSIT INDUSTRY SOFTWARE FOR FIXED-ROUTE SCHEDULING, RUN-CUTTING, AND ROSTERING PROPOSAL NO. 2147

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the award of contract to MultiSystems in the amount of \$108,000 for the purchase of transit industry software for fixed-route scheduling, run-cutting, and Rostering Proposal No. 2147 hereby rescinded, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

(1-J) RESOLUTION NO. 2002-377 - AMENDING RES. 2002-250 IN ORDER TO FURNISH ADDITIONAL COLLATERAL FOR A FEDERALLY GUARANTEED LOAN UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, FOR THE NEIGHBORHOOD STREETS-PARKS IMPROVEMENT PROJECT, AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS AND INSTRUMENTS

Upon question of Councilmember Boyajian, an unidentified finance department staff member and Assistant City Manager Souza clarified the issue and stating this was for a project already completed.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-377 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(2:00 P.M. #2) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(A) FRIEND-OF-THE-COURT-PARTICIPATION - CASE NAMES:

1. BARDEN V. CITY OF SACRAMENTO
2. CITY OF LONG BEACH V. STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, SECOND DISTRICT COUNTY OF APPEAL (AMICUS BRIEF)

(B) ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: CLAIMS OF DEBBIE GUMM, GARY GUMM AND SEAN GUMM

(C) EXISTING LITIGATION - CASE NAME:

1. MICHAEL WHITFIELD V. COF, OFFICERS DOMINGUEZ AND RAYBURN
2. MICHAEL WHITFIELD V. COF, OFFICER CLAIBORNE
3. COF V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS
4. A.H.D.C. V. COF, ET AL.

The City Council met in closed session in Room 2125 at the hour of 3:36 p.m. to consider the above issues and reconvened in regular open session at 4:25 p.m.

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(2:30 P.M.) CONTINUED HEARING ON THE 2025 FRESNO GENERAL PLAN AND DRAFT MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 (AS INITIATED BY COUNCIL ON APRIL 3, 2001); TWO PLAN MODIFICATIONS, CONCOMITANT POLICY, LAND USE AND CIRCULATION MAP AMENDMENTS TO THE CITY'S EXISTING BULLARD, WOODWARD PARK, HOOVER, MCLANE, ROOSEVELT, CENTRAL AREA, FRESNO HIGH-ROEDING, AND EDISON COMMUNITY PLANS, AND TO THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS SPECIFIC PLAN, MASTER PARKS PLAN, THE MASTER TRAILS MANUAL, AND THE WEST AREA COMMUNITY PLAN

A. RESOLUTION - CERTIFYING FINAL MEIR NO. 10130, AS RELATED TO THE 2025 FRESNO GENERAL PLAN, APPROVAL OF TWO PLAN MODIFICATIONS, CONCOMITANT LAND USE AND CIRCULATION MAP AND POLICY AMENDMENTS TO THE CITY'S EXISTING BULLARD, WOODWARD PARK, HOOVER, MCLANE, ROOSEVELT, CENTRAL AREA, FRESNO HIGH-ROEDING, AND EDISON COMMUNITY PLANS, AND TO THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS SPECIFIC PLAN, MASTER PARKS PLAN, AND THE MASTER TRAILS MANUAL; AND ADOPTION OF A WEST AREA COMMUNITY PLAN

1. FINDING AND STATEMENT - THE FINAL MEIR HAS BEEN COMPLETED IN COMPLIANCE WITH CEQA

2. FINDING AND STATEMENT - THE FINAL MEIR WAS PRESENTED TO THE DECISION-MAKING BODY OF THE CITY AND THAT THE DECISION-MAKING BODY REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE FINAL MEIR PRIOR TO APPROVING THE PROJECT

3. FINDING AND STATEMENT - THE FINAL MEIR REFLECTS THE CITY'S INDEPENDENT JUDGEMENT AND ANALYSIS

4. FINDING AND STATEMENT - REGARDING SIGNIFICANT BUT MITIGABLE EFFECTS - CERTAIN MEASURES ARE REQUIRED OR INCORPORATED INTO THE PROJECT AVOIDING OR SUBSTANTIALLY LESSENING SIGNIFICANT EFFECTS

5. FINDING AND STATEMENT - REGARDING SIGNIFICANT IMPACTS OUTSIDE OF THE JURISDICTION OF THE CITY - CITY LACKS AUTHORITY TO MAKE CERTAIN CHANGES LESSENING OR AVOIDING SIGNIFICANT EFFECT, BUT ANOTHER AGENCY HAS AND SHOULD EXERCISE AUTHORITY TO ADOPT SUCH CHANGES

6. FINDING AND STATEMENT - REGARDING REVISED MITIGATION MEASURES AND RE-CIRCULATION

7. MITIGATION MONITORING PROGRAM

8. FINDINGS ON PROJECT ALTERNATIVES

9. FINDING AND STATEMENT - REGARDING UNAVOIDABLE SIGNIFICANT IMPACTS/STATEMENT OF OVERRIDING CONSIDERATION - CHANGES TO LESSEN OR AVOID CERTAIN SIGNIFICANT EFFECTS BELOW A LEVEL LESS THAN SIGNIFICANT ARE INFEASIBLE FOR ECONOMIC, SOCIAL, LEGAL, TECHNOLOGICAL OR OTHER CONSIDERATIONS

10. STATEMENT OF OVERRIDING CONSIDERATIONS - SPECIFIC ECONOMIC, SOCIAL AND OTHER CONSIDERATIONS OUTWEIGH UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS OR RISKS, AND SUPPORT PROJECT APPROVAL

B. * RESOLUTION - ADOPTING THE 2025 FRESNO GENERAL PLAN, ADOPTING TWO REQUESTED PLAN MODIFICATIONS AND CORRESPONDING AMENDMENTS TO THE POLICIES, LAND USE AND CIRCULATION MAPS OF THE EDISON, ROOSEVELT, CENTRAL AREA, FRESNO HIGH-ROEDING, MCLANE, BULLARD, HOOVER, AND WOODWARD PARK COMMUNITY PLANS, AND THE MASTER PARKS PLAN AND MASTER TRAILS MANUAL, AND ADOPTING THE WEST AREA COMMUNITY PLAN

1. FINDING THE 2025 FRESNO GENERAL PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE LPPO

2. ADOPTING THE TEXT, POLICIES, LAND USE AND CIRCULATION MAPS FOR THE EDISON, ROOSEVELT, CENTRAL AREA, FRESNO HIGH-ROEDING, MCLANE, BULLARD, HOOVER, AND WOODWARD PARK COMMUNITY PLAN, AND THE MASTER PARK PLAN AND MASTER TRAILS MANUAL AS CONTAINED IN THE 2025 FRESNO GENERAL PLAN DATED 2/1/02, AND AS SPECIFIED IN EXHIBIT "A" TO THE RESOLUTION

3. ADOPTING THE TWO PLAN MODIFICATIONS (PLAN MODIFICATIONS 1 AND 2 OF APPENDIX “C” OF THE 2025 FRESNO GENERAL PLAN) SUBMITTED PURSUANT TO THE PROVISIONS OF THE LPPO AS NOTED ON EXHIBIT “B” OF THE RESOLUTION

4. DENYING PLAN MODIFICATION #3 OF APPENDIX “C” OF THE 2025 FRESNO GENERAL PLAN, SUBMITTED PURSUANT TO THE PROVISIONS OF THE LPPO AS NOTED IN EXHIBIT “C” OF THE RESOLUTION

5. CONSIDERING THE PLANNING COMMISSION’S ADDITIONAL COMMENTS AND RECOMMENDATION REGARDING THE 2025 FRESNO GENERAL PLAN AS SPECIFIED IN ATTACHED EXHIBIT “C” OF THE RESOLUTION

C. * BILL - AMENDING THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS SPECIFIC PLAN, IN CONNECTION WITH THE ADOPTION OF THE 2025 FRESNO GENERAL PLAN AND ENVIRONMENTAL IMPACT REPORT NO. 10130

D. APPROVAL OF ALL ANCILLARY OR INCIDENTAL DOCUMENTS AND/OR ACTIONS NECESSARY FOR ADOPTION OF THE 2025 FRESNO GENERAL PLAN AND CERTIFICATION OF THE FINAL MEIR

D. APPROVE ALL ANCILLARY OR INCIDENTAL DOCUMENTS AND/OR ACTIONS NECESSARY FOR ADOPTION OF THE 2025 FRESNO GENERAL PLAN AND CERTIFICATION OF THE FINAL MEIR

(8 - 0) President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Ronquillo was present via teleconference.

Planning and Development Director Yovino and City Manager Hobbs gave an overview of the issue explaining what was before Council this date, options to strengthen the plan (Mayoral veto and super-majority vote for plan amendments), ability for Council to change language in the plan to make it more difficult to change the plan in the future and raise the bar, and clarified issues relative to the approximately 22 plan amendments that were currently in the process and the need for Council to act on some of those not handled by the new general plan.

Speaking to the issue, expressing concerns with various aspects of the plan, and/or in support of the plan were: Larry Empereur, 2300 S. Clovis, support for Modification #3 and request for separate vote; Heidi Nakayama, 5459 E. Atchison, request to deny changes proposed in Modification #3, who also submitted a petition; Barbara Hunt, 246 W. Byrd, concerns with the various documents before Council; Sue Williams, 5437 E. Montecito, representing in part the Roosevelt Implementation Committee and Sunnyside Property Owners Association, clarified issues relative to Modification #3 and request to look again at medium-high density at Jensen and Fowler Avenues; Steve Weil, 588 W. Barstow, who read and submitted a written statement requesting the re-designation of the southeast corner of Herndon/Brawley be removed from the plan; and Jeff Roberts, 1396 W. Herndon, support for the 2025 Fresno General Plan.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the hearing.

Upon request of President Perea, Mr. Yovino, Planning Manager Haro and City Attorney Montoy addressed comments made relative to Modification #3, using a map to illustrate, and the Herndon/Brawley (Ralph’s Supermarket project), stating the southeast corner could be “carved out” as the project would be before Council in December and that the site could remain planned office.

Public testimony was reopened and Karen Musson, Vice Chair, Roosevelt Implementation Committee, made requests relative to the recommended deletions and omissions that were made to the Roosevelt Community Plan, with Mr Yovino responding; and Ron Greenwood, 2558 E. Olive, spoke in support of the staff's recommendations on the Roosevelt Community Plan. The public testimony portion of the hearing was closed.

Councilmember Duncan commended staff for their years of hard work, spoke in support of the plan stating it was an innovative plan and would make Fresno a stronger community; and spoke to the options to strengthen the plan and the need to discuss those options during the 180 day implementation process, and made two amendments.

MOTION - Duncan/Calhoun - Modify staff recommendation (Bullet 4) to state: "Direct staff to prepare for City Council initiation within the implementation period, options to (1) create an ordinance amending the Municipal Code requiring five or more affirmative council member votes to approve plan amendments, or (2) develop a Charter change to provide Mayoral veto of land use decisions."

Councilmember Duncan spoke to the linkage fee issue stating the language did not belong in the general plan, there had been no information provided on the issue and there had been no public debate, there was a question if it was even legal, **(9 - 0)** spoke to the hardship it may place on future home buyers and the impact it would have on economic development and commercial facilities and elaborated, and spoke to other options to assist the inner-city.

MOTION - Duncan/Calhoun - Delete linkage fee language and replace it with a policy stating: "The City will evaluate and implement programs to finance rebuilding of our inner-city."

Mr. Yovino responded to questions of Councilmember Quintero relative to the 20 acres west of Clovis Avenue, whether the densities could be split on the east and west sides of Clovis Avenue, leaving the west side as medium low and dealing with each project as it comes up, and appropriate inter-facing on lot sizing.

MOTION - Quintero/Castillo - Leave the 20 acres on the west side of Clovis Avenue as medium-low density.

Upon the request of City Manager Hobbs, Mr. Yovino spoke to the implications of Councilmember Quintero's request/motion with respect to what the city was trying to do with the general plan (inward, upward and mixed).

Councilmember Boyajian spoke in opposition to the plan stating it was inadequate and inconsistent, and expressed concerns with various elements of the plan including the Master EIR (reading selected text from CEQA), resources for implementation not being included in the plan, and Mayor's 2010 Plan to open the mall being in the plan and Council's decision to leave the mall closed.

MOTION - Boyajian/Perea - Keep the Fulton Mall closed.

Councilmember Boyajian continued with his concerns speaking to the issues of traffic impacts, air quality, lack of mitigation measures, cumulative impacts of the general plan on the environment, and reiterated the lack of information and resources on how to implement the plan, and presented questions relative to traffic impacts, whether the MEIR addressed traffic environmental issues, mitigation measures, and transportation alternatives, with Mark Birbaum, Caltrans, explaining Caltrans' concern with the MEIR and responding to questions.

Mr. Hobbs noted a meeting was held with Caltrans Director Mike Leonardo and advised an agreement was signed off this date and the City and Caltrans would be having a very close working relationship on implementing any and all transportation components of the master plan. Councilmember Boyajian stated Mr. Birbaum was stating the policy was great but there was nothing to back it up, and presented additional questions relative to the 10-mile project, if land use and transit coordination was not included in the plan, and if a comprehensive transit analysis was included, and if there were flaws in the transit statements. Councilmember Boyajian reiterated he felt the MEIR was inadequate, stated the lack of impact fees helped the vested interests greatly adding it would be nice if the City started representing people instead of vested interests, spoke in support of linkage fees and inclusionary zoning.

Mr. Yovino clarified there was no proposal in the general plan to open up the mall and relative to the Mayor's 2010 plan stated a sentence could be put in the text of the plan clearly stating the mall would not be affected by adoption of the plan.

Upon request of President Perea, Ms. Montoy addressed the statements made by Councilmember Boyajian relative to the plan and MEIR being inadequate. Mr. Yovino clarified there was an EIR on the Copper River Project and that the issue would be coming to Council in early 2003, and advised a determination on the overall environmental documents for the Fancher Creek had not yet been made. Councilmember Boyajian stated he disagreed on the EIR as Mr. Yovino was talking about a Program EIR which was a very small portion and explained. Brief discussion ensued on making a motion to require full EIRs whereupon Ms. Montoy advised the City had to follow the law on what was required.

Mr. Yovino responded to questions of Acting President Castillo relative to staff's response to Caltrans' statement that the plan was not financially doable, and at what point priorities would be determined and when some parts of the plan would be implemented and when some would be "chopped away". Acting President Castillo made the following three motions: (1) Create a financial disincentive for plan amendments, (2) Create severe financial disincentives to avoid sprawl, and (3) Require a five-year review of the plan to allow for needed changes due to growth, **(10 - 0)** and questioned if the density plan for northeast Fresno would be the same as southeast and southwest Fresno. Mr. Yovino advised policies were already included in the new plan to address new development paying its share and to provide for a five year review and additionally an annual "State of the Plan" address to Council by the Mayor, and relative to plan amendments stated Council would have to deal with each request independently until a method (Mayoral veto or super-majority vote) is in place to strengthen the plan.

President Perea commented on and presented questions relative to air quality, how light rail was addressed in the plan, where the light rail corridor was currently, Freeway 41 designed for light rail, cost, need for discussion on the city of Fresno breaking away from Measure "C" and going after its own funds, the Tower District connecting to downtown and how the plan tied that together, policies for historic homes and rehabilitation, and if the plan allowed for creation of the 2-3 block Tower area into a Santa Monica-type promenade and allow for a whole new different look.

President Perea made a motion to allocate the additional \$978,000 from the federal government's CDBG allocation to the Tower Specific Area for a promenade look in the Tower District, which motion was seconded by Councilmember Boyajian. Councilmember Calhoun stated the motion was out of order and Ms. Montoy advised Council could not allocate funds this date. President Perea directed staff to schedule the issue on the December 3rd agenda.

President Perea commended staff for all their work stating it was a long process and spoke in support of the plan and to the importance of funding, implementing, and sticking with it.

MOTION #1 - Duncan/Calhoun - Modify staff recommendation (Bullet 4) to state: “Direct staff to prepare for City Council initiation within the implementation period, options to (1) create an ordinance amending the Municipal Code requiring five or more affirmative council member votes to approve plan amendments, or (2) develop a Charter change to provide Mayoral veto of land use decisions.”

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to modify staff recommendation (Bullet 4) to state: “Direct staff to prepare for City Council initiation within the implementation period, options to (1) create an ordinance amending the Municipal Code requiring five or more affirmative council member votes to approve plan amendments, or (2) develop a Charter change to provide Mayoral veto of land use decisions” failed, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan
Noes	:	Castillo, Quintero, *Ronquillo, Perea
Absent	:	None

* **Note:** Councilmember Ronquillo was originally noted as being “absent” during the vote and it was subsequently learned he was still present via teleconference, he could hear the proceedings and voted “No”, but he could not be heard in the Council Chamber.

Upon question of Councilmember Calhoun, staff confirmed both options were now off the table. Councilmember Duncan clarified staff recommendation was for initiation of an ordinance to pass requiring 5 votes and his motion was to not make that commitment this date and add another option of a Charter change for a Mayoral veto to be debated within the implementation period, and upon question, Ms. Montoy confirmed everything was off the table because it was not part of the general plan already and Council could bring back the matter.

MOTION #2 - Duncan/Calhoun - Delete linkage fee language and replace it with a policy stating: “The City will evaluate and implement programs to finance rebuilding of our inner-city.”

Councilmember Calhoun stated he felt very strongly about the issue and stated if the language remained in the general plan it would trigger a “No” vote by him on adoption of the plan. Upon question of Acting President Castillo, Ms. Montoy clarified neither the language in the plan nor the motion language was self-executing as both would require further notice, hearings, and public testimony.

Mr. Hobbs pointed out, since council members were taking issue with very specific items in the plan, and Ms. Montoy and Mr. Yovino confirmed, that consequences would be significant if the general plan was not approved this date as Council would not be able to bring the matter back in one week or one month for reconsideration and the entire process would have to start all over again.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the linkage fee language in the 2025 Fresno General Plan hereby deleted and replaced with a policy stating: “The City will evaluate and implement programs to finance rebuilding of our inner-city.”, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : Boyajian
Absent : None

MOTION #3 - Quintero/Castillo - Leave the 20 acres on the west side of Clovis Avenue as medium-low density.

Upon questions of Councilmember Calhoun and President Perea, Mr. Yovino stated this would not have a city-wide impact in terms of allowing less density and spoke to the motion from a planning perspective and the new plan.

A motion of Councilmember Quintero, seconded by Acting President, to leave the 20 acres on the west side of Clovis Avenue as medium-low density failed, by the following vote:

Ayes : Castillo, Quintero, Perea
Noes : Boyajian, Calhoun, Duncan, Ronquillo
Absent : None

MOTION #4 - Boyajian/Perea - Keep the Fulton Mall closed.

Councilmember Calhoun stated he would have a problem if this motion raised the threshold level noting a Council majority voted not to open the Fulton Mall, with Mr. Yovino and Ms. Montoy stating it would not raise the threshold and was more a clarification motion as the 2010 Vision Plan (included in the new plan) was amended when Council took out the opening of the mall.

On motion of Councilmember Boyajian, seconded by President Perea, duly carried, RESOLVED, the Fulton Mall to remain closed, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Quintero, Perea
Noes : Duncan, Ronquillo
Absent : None

A. RESOLUTION NO. 2002-378 - CERTIFYING FINAL MEIR NO. 10130, AS RELATED TO THE 2025 FRESNO GENERAL PLAN, APPROVAL OF TWO PLAN MODIFICATIONS, CONCOMITANT LAND USE AND CIRCULATION MAP AND POLICY AMENDMENTS TO THE CITY'S EXISTING BULLARD, WOODWARD PARK, HOOVER, MCLANE, ROOSEVELT, CENTRAL AREA, FRESNO HIGH-ROEDING, AND EDISON COMMUNITY PLANS, AND TO THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS SPECIFIC PLAN, MASTER PARKS PLAN, AND THE MASTER TRAILS MANUAL; AND ADOPTION OF A WEST AREA COMMUNITY PLAN, WITH ALL ATTACHMENTS AS OUTLINED ABOVE

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-378 certifying Master Environmental Impact Report (MEIR) No. 10130 as the Final MEIR for the 2025 Fresno General Plan as determined by Council after having applied its own independent judgment and analysis and based upon the findings noted in the Resolution and attached Exhibits "A" - "E" (Nos. 1 - 5 as outlined above) hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

B. * RESOLUTION NO. 2002-379 - ADOPTING THE 2025 FRESNO GENERAL PLAN, ADOPTING TWO REQUESTED PLAN MODIFICATIONS AND CORRESPONDING AMENDMENTS TO THE POLICIES, LAND USE AND CIRCULATION MAPS OF THE EDISON, ROOSEVELT, CENTRAL AREA, FRESNO HIGH-ROEDING, MCLANE, BULLARD, HOOVER, AND WOODWARD PARK COMMUNITY PLANS, AND THE MASTER PARKS PLAN AND MASTER TRAILS MANUAL, AND ADOPTING THE WEST AREA COMMUNITY PLAN, WITH ALL ATTACHMENTS AS OUTLINED ABOVE, AND, AS AMENDED, BY (1) THE MOTIONS, AND (2) THE RECOMMENDATION TO REMOVE/"CARVE OUT" THE SOUTHEAST CORNER OF HERNDON AND BRAWLEY AVENUES (LEAVE AS PLANNED OFFICE)

C. * BILL NO. B-61 - ORDINANCE NO. 2002-60 - AMENDING THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS SPECIFIC PLAN, IN CONNECTION WITH THE ADOPTION OF THE 2025 FRESNO GENERAL PLAN AND ENVIRONMENTAL IMPACT REPORT NO. 10130

D. APPROVAL OF ALL ANCILLARY OR INCIDENTAL DOCUMENTS AND/OR ACTIONS NECESSARY FOR ADOPTION OF THE 2025 FRESNO GENERAL PLAN AND CERTIFICATION OF THE FINAL MEIR

D. APPROVE ALL ANCILLARY OR INCIDENTAL DOCUMENTS AND/OR ACTIONS NECESSARY FOR ADOPTION OF THE 2025 FRESNO GENERAL PLAN AND CERTIFICATION OF THE FINAL MEIR

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, (1) the above entitled Resolution No. 2002-379 approving the 2025 Fresno General Plan based upon the findings noted in the Resolution and including amendment to the specific Community Plans, Master Parks Plan and Master Trails Manual; adoption of two plan modification requests; and additional comments and recommendations as noted in Exhibits "A" through "C" of the Resolution and adoption of a General Plan policy stating "Plan amendment applications filed after the adoption of the 2025 General Plan may only be approved by the affirmative vote of five or more councilmembers" hereby adopted; (2) the above entitled Bill No. B-61 adopted as Ordinance No. 2002-60; (3) all ancillary or incidental documents and/or actions necessary for adoption of the 2025 Fresno General Plan and certification of the Final MEIR hereby approved; and (4) staff directed to prepare for Council initiation, an ordinance amending the Municipal Code requiring five or more affirmative councilmember votes to approve plan amendments, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

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(3:00 P.M.) APPEARANCE BY FELIX SANCHEZ TO DISCUSS TWO FAMILY-TYPE CONVENTIONS FOR POSSIBLE SCHEDULING AT THE CONVENTION CENTER

Mr. Sanchez reviewed the issue and requested financial assistance from the City, with President Perea asking Mr. Sanchez contact his office for ideas on raising funds.

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(3:05 P.M.) APPEARANCE BY MICHAEL JORDAN TO DISCUSS THE POSSIBLE USE OF “SAY YES TO DRUG AND CRIME-FREE NEIGHBORHOODS” LOGO WITHIN THE CITY OF FRESNO

Rescheduled for December 3, 2002.

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(5-A) CONSIDER AN AMENDMENT TO THE CONTRACT WITH THE MACIAS CONSULTING GROUP TO INCLUDE PROVIDING SERVICES TO COUNCIL ON FINANCIAL AND BUDGET ISSUES - COUNCIL FISCAL FORECASTING COMMITTEE (FFC)

Councilmember Calhoun reviewed the FFC’s report to Council; spoke to the earlier police issue and how the committee felt as much information as possible was needed to properly evaluate the issue and how the committee felt a “wrap up” report from the Macias Group on their audit and recommendations would be helpful for Council and those members being termed out; advised \$48,000 was remaining in the current contract for services and made a motion to pay the Macias Group for services provided this date and for the upcoming December 3rd report (which motion was seconded by Councilmember Duncan and later acted upon); clarified the committee was not asking for a new contract or an additional appropriation of funds; stated it was the FFC’s understanding the remaining \$48,000 was available for additional requests for services to be conducted; clarified at issue was amending the current contract to include services this date and December 3rd not to exceed existing funds; spoke to the Macias’ presentation on December 3rd, the role they played in the police issue this date, and how they felt Council’s request for their participation was wise; advised if the motion is not approved he would request staff to remove their appearance/report on December 3rd; asked the city manager or city attorney to advise why an amendment would not be necessary if they felt the existing contract included language that already specifically included this work; and spoke to the short timeframe in bringing this issue to Council.

(11 - 0) City Attorney Montoy responded to questions of President Perea relative to whether this fell into the scope of work with no need for Council action, Ms. Montoy stating it was her understanding the current contract was for audits of specific departments and this type of service was not part of the current contract and added Council could consider a perspective amendment of the contract. City Manager Hobbs spoke in opposition to the proposal stating if \$48,000 was available he would want it go towards work with the Clean Air Coalition, stated he did not see the need for or luxury of a 2nd or 3rd opinion, and added if approved, the matter needed to be structured in a way for Mayoral review and veto.

Lengthy discussion ensued with Councilmember Duncan speaking in support of the proposal, Acting President Castillo speaking in opposition, and Councilmember Boyajian speaking in support. Mr. Hobbs stated this was an issue, under the Charter, about the respective roles of the two branches of government and he was disinclined to fund a duplicative function under the other arm of the government and he had a concern with expending additional resources for this purpose. Ms. Montoy responded to questions of Councilmember Duncan relative to whether there was anything in the Charter that prohibited or discouraged Council from getting independent financial information. Councilmember Calhoun stated the request for payment for services on December 3rd was a legitimate issue, advised the Macias Group was not charging the City for their services this date, and stated he thought Council would want to hear the Macias report before some of those members who hired the group were termed out.

Upon question of President Perea, Ms. Montoy clarified the motion would be to amend the contract prospective, and spoke to the issues of a Council minority's authority to independently go out and seek independent expenditures and what the legal role and responsibility were of Council standing or ad-hoc committees. Ms. Montoy noted she had a concern with Council finance committees established over the past few years and advised she would be submitting a guidance report to Council. President Perea stated the authority of committees needed to be cleared up and concurred with the city manager that this was duplicative, stated a legislative analyst to Council would be more proper, and stated the City Controller was the greatest but an independent voice was needed. Mr. Hobbs spoke to the Controller's reporting relationship and asked that Council not confuse it with a lack of independence, and stated Council had two opportunities for independent data: staff and the audit firm hired by Council.

Councilmember Calhoun he was hoping to bring closure to the issue and was saddened by comments and made a motion to table the matter 90 days.

A motion of Councilmember Calhoun, seconded by President Perea, to table the matter 90 days failed, by the following vote:

Ayes	:	Calhoun, Quintero, Perea
Noes	:	Boyajian, Castillo, Duncan, Ronquillo
Absent	:	None

Councilmember Boyajian stating history was repeating itself and emphasized this was about getting information.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the contract with the Macias Consulting Group hereby amended prospectively to include providing services to Council on financial and budget issues, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Ronquillo
Noes	:	Duncan, Quintero, Perea
Absent	:	None

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(3-B) APPROVE AMENDMENT TO THE DEFERRED COMPENSATION PLAN TO FILL A VACANT COMMITTEE POSITION WITH A MEMBER ELECTED FROM PLAN PARTICIPANTS

Councilmember Ronquillo was absent for the remainder of the meeting. Deputy City Manager Haynes reviewed the issue as contained in the staff report as submitted.

Sandra Brock, P.O. Box 8074, Squaw Valley, spoke in support of staff's recommendation, suggested a fourth position be created on the committee for a Council appointee, and spoke to her recommended amendments as contained in her report to Council as submitted. Councilmember Boyajian left the meeting at 7:25 p.m. and returned later.

Discussion ensued on Council's prior direction to staff, Ms. Brock's recommendations, and suggestion for Council to act on staff's recommendation this date and recommend to the committee that they come back with a recommendation on further refinement of the composition.

Barbara Hunt, 246 W. Byrd, spoke to the issue.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the matter referred back to staff for a report back to Council after further study, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Boyajian, Ronquillo

Retirement Administrator McDivitt, who is responsible for administering the program, clarified issues relative to regular meeting, records, and compliance. Councilmember Boyajian returned to the meeting at 7:33 p.m.

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(3-A) * BILL NO. B-54 - ORDINANCE NO. 2002-61 - AMENDING THE FRESNO MUNICIPAL CODE TO ADOPT THE UNIFORM FIRE CODE, 2000 EDITION, AS AMENDED BY THE STATE OF CALIFORNIA WITH MODIFICATIONS

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill No. B-54 adopted as Ordinance No. 2002-61, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(5-D) STATUS ON BUDGET APPROVED HELICOPTER PURCHASE FOR THE POLICE DEPARTMENT - PRESIDENT PEREA

(12 - 0) City Manager Hobbs clarified the Mayor did state when he presented the budget that funds were included to purchase the turbine helicopter and was referring to asset/forfeiture funds in contingency, and along with Chief Dyer spoke to the financing issues associated with the issue, i.e., bid vs. sole source, lease terms, financing options, and true maintenance and overhead costs.

President Perea expressed his concern with the length of time it has taken to purchase the helicopter, with Mr. Hobbs responding, and questioned if December 3rd was a realistic date for a final report and action. Discussion ensued on the date to report back (with staff recommending December 17th), the amount appropriated, helicopter evaluation and comparison with Fresno County's helicopter, and request that all alternatives, financing options, types, life span, etc., be included in staff's report. Councilmember Calhoun stated he was hearing a rush to judgment and felt discussions were needed with the Sheriff's department on what they are doing and what the City is doing.

Barbara Hunt, 246 W. Byrd, spoke in support of the helicopter.

By Council consensus, staff to report back with a final package on December 17th.

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CLOSED SESSION ANNOUNCEMENTS

City Attorney Montoy announced in the matter of Item B-1, Claims of Debbie Gumm, Gary Gumm and Sean Gumm, the City Council denied the claims on a vote of 5-2 with Councilmembers Boyajian and Ronquillo absent; in the matter of Item A-1, Barden v. City of Sacramento, the Council voted 6-0 to join in the amicus effort with Councilmember Ronquillo absent; and in the matter of Item A-2, City of Long Beach v. State of California Department of Industrial Relations, the Council voted 5-1-1 to join in the amicus effort with Acting President Castillo voting “No” and Councilmember Ronquillo absent.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:55 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 3rd day of December, 2002.

/s/ Henry Perea
Henry Perea, Council President

ATTEST: /s/ ys
Yolanda Salazar, Assistant City Clerk